

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 27th May 2015 at 3.10 p.m.

- Present: Councillors Helen Moonie (Provost), John Allan, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid and Margaret Toner.
- Apologies: Councillors Andy Campbell, Brian Connolly, Hywel Davies, Nan McFarlane, Philip Saxton and Corri Wilson.
- Attending: E. Howat, Chief Executive; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; R. Riddiough, Head of Legal and Democratic Services; C. Cox, Planning Manager; A. Browne, Supervisory Planner; and. D. Knight, Co-ordinator (Democratic Support).

1. Provost.

The Provost welcomed Members to this special meeting.

2. Sederunt.

The Chief Executive called the Sederunt for the special meeting.

3. Declarations of Interest.

There were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

4. Planning Application Report: Section 42 application to vary condition 2 of 14/00611/APPM to remove Unit 2B from retail goods restrictions on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01609/FURM).

Following consideration of a further application to vary condition 2 of 14/00611/APPM to remove Unit 2B from retail goods restrictions on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01609/FURM) at the pre-determination hearing held by the Regulatory Panel (Special) (Page 1, paragraph 2), immediately prior to consideration of this item, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Hunter, seconded by Councillor Bill Grant, moved that the Council should refuse the Section 42 application to vary condition 2 of 14/00611/APPM to remove Unit 2B from retail goods restrictions on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01609/FURM) for the reasons as outlined in the report.

By way of Amendment, Councillor Allan, seconded by Councillor Douglas, moved that it was considered that the impact of this proposal on town centres would be negligible and that in this instance, this was a material consideration which outweighed the provisions of the Development Plan and accordingly, this Council should vary Condition 2 of 14/00611/APPM to remove Unit 2B from retail goods restrictions on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01609/FURM).

Adjournment of Meeting.

The time being 3.18 p.m., the Council agreed to adjourn for 40 minutes to allow consideration of advice on the proposed Amendment.

Resumption of Meeting.

The meeting reconvened at 3.58 p.m.

A full discussion took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 23.8.

The Head of Legal and Democratic Services then took the vote by calling the roll as follows:-

Helen Moonie	Motion
Mary Kilpatrick	Motion
John Allan	Amendment
Douglas Campbell	Motion
Ian Cavana	Motion
Alec Clark	Amendment
Ian Cochrane	Amendment
Peter Convery	Amendment
Kirsty Darwent	Motion
Allan Dorans	Motion
Ian Douglas	Amendment
Ann Galbraith	Motion
Sandra Goldie	Motion
Bill Grant	Motion
William J. Grant	Amendment
John Hampton	Motion
Hugh Hunter	Motion
John McDowall	Motion
Brian McGinley	Motion
Bill McIntosh	Motion
Rita Miller	Motion
Alec Oattes	Motion
Robin Reid	Motion
Margaret Toner	Motion

Six Members voted for the Amendment, eighteen Members for the Motion which was accordingly declared to be carried.

Decided: that the application be refused for the following reasons:

- (1) that the proposed development is contrary to Local Development Plan policy “Spatial Strategy” and Scottish Planning policy in that it constitutes development that would undermine the viability and vitality of town centres;
- (2) that the proposed development is contrary to Local Development Plan policy “General Retail” and Scottish Planning Policy in that it constitutes development which proposes an inappropriate range of goods in an out of town retail centre to the detriment of town centres, especially Ayr town centre; and
- (3) that the proposed development is contrary to Local Development Plan policy “Heathfield” in that it constitutes development which is not in accordance with the preferred uses and restricted to the sale of DIY, furniture, floor coverings, electrical and gardening goods. to the detriment of town centres, especially Ayr town centre.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No (or Description): E(--)100 Rev A: Location Plan; and
Drawing - Reference No (or Description): G2360 P(--)08 Proposed Location Plan Unit 2B.

Regulatory Panel (Special) Meeting.

The time being 4.05 p.m., the Council noted that the special meeting of the Regulatory Panel would be re-convened for a pre-determination hearing in respect of a further application.

Resumption of the Special Meeting of the Council.

The special meeting resumed at 4.30 p.m. and the sederunt was taken by Chief Executive as follows:-

Present: Councillors Helen Moonie (Provost), Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, , Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, and Margaret Toner.

Apologies: Councillors John Allan, Andy Campbell, Brian Connolly, Hywel Davies, Nan McFarlane, Philip Saxton and Corri Wilson.

5. Declarations of Interest.

There were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

6. Planning Application Report: Section 42 application to vary condition 3 of 14/00611/APPM to remove retail goods restrictions from these kiosk units on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01621/FURM).

Following consideration of a further application to vary condition 3 of 14/00611/APPM to remove retail goods restrictions from these kiosk units on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01621/FURM) at the pre-determination hearing held by the Regulatory Panel (Special) (Page 2, paragraph 6), immediately prior to consideration of this item, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Convery, seconded by Councillor Douglas, moved that the Council should approve the removal of condition 3 from planning permission 14/00611/APPM from two kiosks (units 15 and 16 as shown on plan G2360 P(--))09 as it was considered that this application would not change the overall nature of the retail park which would remain predominantly a bulky goods retail park and that due cognisance needed to be paid to the Development Plan but on weighing up the merits of the proposal, it was considered that it would have a minimal impact on town centres and would bring into use two long term vacant units.

By way of Amendment, Councillor Dorans, seconded by Councillor Hunter, moved that the Council should refuse the Section 42 application to vary condition 3 of 14/00611/APPM to remove retail goods restrictions from these kiosk units on land at Heathfield Retail Park, Liberator Drive, Ayr (Ref: 14/01621/FURM) for the reasons as outlined in the report.

Adjournment of Meeting.

The time being 4.40 p.m., the Council agreed to adjourn for 20 minutes to allow consideration of advice on the proposed Amendment.

Resumption of Meeting.

The meeting reconvened at 5.00 p.m.

A full discussion took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 23.8.

The Head of Legal and Democratic Services then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
Mary Kilpatrick	Amendment
Douglas Campbell	Amendment
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Motion
Peter Convery	Motion
Kirsty Darwent	Amendment
Allan Dorans	Amendment
Ian Douglas	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Amendment
William J. Grant	Motion
John Hampton	Amendment
Hugh Hunter	Amendment
John McDowall	Amendment
Brian McGinley	Amendment
Bill McIntosh	Amendment
Rita Miller	Amendment
Alec Oattes	Motion
Robin Reid	Amendment
Margaret Toner	Motion

Fifteen Members voted for the Amendment, eight Members for the Motion. The Amendment was accordingly declared to be carried.

Decided: that the application be refused for the following reasons:-

- (1) that the proposed development is contrary to Local Development Plan policy "Spatial Strategy" and Scottish Planning policy in that it constitutes development that would undermine the viability and vitality of town centres;
- (2) that the proposed development is contrary to Local Development Plan policy "General Retail" and Scottish Planning Policy in that it constitutes development which proposes an inappropriate range of goods in an out of town retail centre to the detriment of town centres, especially Ayr town centre; and

- (3) that the proposed development is contrary to Local Development Plan policy "Heathfield" in that it constitutes development which is not in accordance with the preferred uses and restricted to the sale of DIY, furniture, floor coverings, electrical and gardening goods. to the detriment of town centres, especially Ayr town centre.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No (or Description): E(--)-100 Rev A: Location Plan; and
Drawing - Reference No (or Description): G2360 P(--)-09 Proposed Location Plan Kiosk Units.

The meeting ended at 5.20 p.m.